UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 November 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>9-15 and 20-28</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>9-15 and 20-28</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 9-15, 20-28 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection discussed below.

With respect to the rejection of the last office action mailed 08/22/08, Applicant amends claims and further argues that the prior arts of record do not teach the amended claims limitations (see page 7+ of Applicant's Remarks)

In response, Examiner notes Applicant's arguments, however, the Examiner disagrees. **Allport** discloses in figures 1-18 a portable internet-enable controller and information browser for consumer devices, a programmable universal remote control device (RC-10) for controlling Devices/Appliances (DVD player, CD player, TV, Kitchen Appliances, security system, etc.) of various manufacturers, in different locations within the client premises using bidirectional IR commands, to control these devices in their respective locations within the premises, where a particular orientation of the RC, controls a particular device(s) at its location using the programmable RC. Allport teaches that RC-10 receives TV schedules (EPG) and loads or updates new titled-based descriptions (e.g.., TV schedules, etc.) Furthermore the display of figs.5 and 6, shows a TV schedule including the sources of the TV programs. Allport further teaches that RC-10 alerts the user or the consumer updates of event, using different visual appearance on the display to inform the user of occurrence of scheduled events (figs.5, 6, col.10, lines 31-38, col.13, line 19-col.14, line 25, col.18, lines 35-38, col.21, lines 3-

17, line 61-col.22, line 9 and col.25, lines 7-24). The EPG applications send messages

to update schedule events and other TV listing (figs.5-7 and 17). Allport teaches all the

claim limitations, but silent as to where the detector detects motion(s) and respond to

the detected motion. However, in the same field of endeavor **Feinleib** discloses an RC

system, with a tilting switch and comprises a motion sensor to detect motions (including

tilting) and initiate a startup phase of the RC before a user actually presses a key

(abstract, figs. 1-3, col.1, line 64-col.2, line 28, line 40-col.3, line 38 and line 66-col.4,

line 1+). Hence the amended claims do not overcome the prior arts of record. The

amendment to the claims necessitated the new ground(s) of rejection discussed below.

This office action is made final.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 9-15 and 20-28, are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Allport (6,104,334)** and in view of **Feinleib et al (6,346,891)**.

As to claims 26-27, **Allport** discloses in figures 1-18 a portable internet-enable

controller and information browser for consumer devices and further discloses a system,

comprising:

A remote control device (10), communicating with an electronic device, the electronic device (wireless IR transceiver communications via IrDA port 645 PCs, TV Set(s), home Gateway or home Device(s)) comprising:

A receiver for receiving signals from the remote control device, an electronic program guide, and a transmitter transmitting a message to the remote control device, the message indicating an occurrence of a scheduled event that was tracked using the electronic program guide (col.2, line 59-col.3, line 21, col.4, lines 28-52, col.5, line 50-col.6, line 24 and col.28, line 23-col.29, line 1+); and the remote control device (10) comprising:

A processor (fig.18, CPU-605 and col.26, line 61-col.27, line 17);

A remote control (RC) receiver (IR receiver(s)) in communication with the processor, the remote control receiver receiving the message from the electronic device that indicates the scheduled event has occurred according to the electronic program guide (col.10, lines 27-38, col.13, line 19-col.14, line 25, col.18, lines 23-38, col.21, lines 3-41 and col.28, line 23+);

An input device (transmitter/receivers interconnected to 630 that enables various inputs, 635, 640, 645, 650, 655, 660, etc.,) in communication with the processor (fig.18, col.26, line 61-col.27, line 17);

A light source in communication with the processor (col.3, lines 5-20 and col.27, lines 33-61)

A data storage area (DRAM 615, SRAM 620, etc.,) in communication with the processor; and

A detector in communication with the processor, where in response to detecting

IR command sequences of a particular device in a specific location within the premises,

the processor retrieves instructions from storage area and changes a mode of operation

of the remote device to control the device, that corresponds to a particular device, such

that different orientations of the remote control device control different electronic

devices (col.1, lines 26-36, col.4, lines 5-39, col.9, line 58-col.10, lines 38, col.13, line

19-col.14, line 25, col.18, lines 23-38. col.21, lines 3-41 and col.27, line 40-col.29, line

1+)

An output device (transmitter/receivers interconnected to 630 that enables

various outputs, LCD Display 665, Speaker, etc.,) in communication with the processor,

where after the processor receives data from the remote control receiver, the processor

retrieves instructions from the data storage area, interprets the data based upon the

retrieved instructions and controls the output device to produce a customized alert

associated with the scheduled event, where the instructions enable the processor, in

conjunction with the output device, to generate one of a plurality of different alerts

(col.10, lines 27-38, col.13, line 19-col.14, line 25, col.18, lines 23-38. col.21, lines 3-41

and col.28, line 23+), note the various visual alerts for updates of schedule events.

Allport teaches illuminating portions of the LCD display of the RC, i.e., alerts,

updates, etc. i.e., detects various signals, but silent as to where the detector detects

motion(s) or movement and respond to the detected motion.

However, **Feinleib** discloses an RC system, with motion detect which includes a

tilting switch, which detect various motions (including movement) and initiate a startup

phase of the RC to a particular device, before a user actually presses a key (abstract, figs. 1-3, col.1, line 64-col.2, line 28, line 40-col.3, line 38 and line 66-col.4, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Feinleib into the system of Allport to enable the detection of motions and prepare the RC in advance for other operations before the user presses a key to activate other function of the RC.

Claim 9 is met as previously discussed with respect to claim 21.

Claim 11 is met as previously discussed with respect to claim 26.

Claims 12-15 are met as previously discussed with respect to claims 21-22.

As to claim 20, Allport further discloses where the customized alert includes a plurality of noises, where the plurality of noises, vary in pitch (col.13, line 19-col.14, line 25 and col.27, line 62-col.28, line 22).

As to claims 21-22, Allport further discloses where the RC include TV programs starting times (col.13, line 47-col.14, line 25 and col.18, lines 23-38) and includes a smart card reader/writer in communication the processor, which concerns a user profiles, favorite channel, user internet profile, etc., (col.8, lines 30-57, col.9, line 6-20, col.21, lines 18-58 and col.28, line 51-col.29, line 1+).

As to claims 23-24, the claimed "A remote control device..." is composed of the same structural elements that were discussed with respect to the rejection of claim 26.

As to claim 25, Allport further discloses where the processor detects activation of the input device and, responsive thereto, the processor turns off the customized alerts (col.13, line 19-col.14, line 25, col.15, lines 5-41 and col.18, lines 23-38).

As to claim 28, **Allport** discloses in figures 1-18 a portable internet-enable

controller and information browser for consumer devices and further discloses a system,

comprising:

A remote control device (10), including:

A processor (fig.18, CPU-605 and col.26, line 61-col.27, line 17);

A remote control (RC) receiver (IR receiver(s)) in communication with the RC

receiver is for receiving data from an electronic program guide, where the data indicates

the occurrence of scheduled event (col.10, lines 27-38, col.13, line 19-col.14, line 25

and col.18, lines 23-38);

An input device (transmitter/receivers interconnected to 630 that enables various

inputs, 635, 640, 645, 650, 655, 660, etc.,) in communication with the processor (fig.18,

col.26, line 61-col.27, line 17);

A light source in communication with the processor (col.3, lines 5-20 and col.27,

lines 33-61)

A data storage area (DRAM 615, SRAM 620, etc.,) in communication with the

processor;

A detector in communication with the processor, where in response to detecting

IR command sequences of a particular device in a specific location within the premises,

the processor retrieves instructions from storage area and changes a mode of operation

of the remote device to control the device, that corresponds to a particular device, such

that different orientations of the remote control device control different electronic

devices (col.1, lines 26-36, col.4, lines 5-39, col.9, line 58-col.10, lines 38, col.13, line

19-col.14, line 25, col.18, lines 23-38. col.21, lines 3-41 and col.27, line 40-col.29, line 1+); and

An output device (transmitter/receivers interconnected to 630 that enables various outputs, LCD Display 665, Speaker, etc.,) in communication with the processor, where after the processor receives data from the remote control receiver, the processor retrieves instructions from the data storage area, interprets the data based upon the retrieved instructions and controls the output device to produce a customized alert associated with the scheduled event, where the instructions enable the processor, in conjunction with the output device, to generate one of a plurality of different alerts (col.10, lines 27-38, col.13, line 19-col.14, line 25, col.18, lines 23-38. col.21, lines 3-41 and col.28, line 23+), note the various visual alerts for updates of schedule events.

Allport teaches illuminating portions of the LCD display of the RC, i.e., alerts, updates, etc. i.e., detects various signals, but silent as to where the detector detects motion(s) or movement and respond to the detected motion.

However, **Feinleib** discloses an RC system, with motion detect which includes a tilting switch, which detect various motions (including movement) and initiate a startup phase of the RC to a particular device, before a user actually presses a key (abstract, figs. 1-3, col.1, line 64-col.2, line 28, line 40-col.3, line 38 and line 66-col.4, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Feinleib into the system of Allport to enable the detection of motions and prepare the RC in advance for other operations before the user presses a key to activate other function of the RC.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mullaly et al (6,812,881) disclose system for remote communication with an addressable target using a generalized pointing device.

Hashimoto et al (5,554,980) disclose remote control system.

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/
Primary Examiner, Art Unit 2623

Annan Q. Shang

6.   Claims 20-25, are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Allport (6,104,334)** and in view of **Mullaly et al (6,812,881)**.

As to claim 23-24, **Allport** discloses in figures 1-18 a portable internet-enable

controller and information browser for consumer devices and further discloses a remote

control device (10), comprising:

A processor (fig.18, CPU-605 and col.26, line 61-col.27, line 17);

A remote control (RC) receiver (IR receiver(s)) in communication with the RC

receiver is for receiving a message from a consumer electronics device, the message

indicating a scheduled event has occurred that was track using an electronic program

guide (col.10, lines 27-38, col.13, line 19-col.14, line 25 and col.18, lines 23-38, col.21,

lines 3-17, line 61-col.22, line 9, col.25, lines 7-24 and col.28, line 23-col.29, line 1+);

note that the EPG application, send messages to update schedule events and other TV

listing (figs.5-7 and 17).

An input device (transmitter/receivers interconnected to 630 that enables various

inputs, 635, 640, 645, 650, 655, 660, etc.,) in communication with the processor (fig.18,

col.26, line 61-col.27, line 17);

A data storage area (DRAM 615, SRAM 620, etc.,) in communication with the

processor; and

An output device (transmitter/receivers interconnected to 630 that enables

various outputs, LCD Display 665, Speaker, etc.,) in communication with the processor,

where after the processor receives data from the remote control receiver, the processor

retrieves instructions from the data storage area, interprets the data based upon the

retrieved instructions and controls the output device to produce a customized alert

associated with the scheduled event, where the instructions enable the processor, in

conjunction with the output device, to generate one of a plurality of different alerts

(col.10, lines 27-38, col.13, line 19-col.14, line 25 and col.18, lines 23-38), note the

various visual alerts for updates of schedule events.

Allport discloses a remote control with various features, where a processor

receives feedback signals from device(s), detects update signals, alert signals, etc., to

update and provide various alerts and updates on event(s), and other features for

controlling a variety of consumer devices (appliances) made by a variety of

manufacturers (col.6, lines 22-24 and col.13, line 21-col.14, line 1+).

Allport further discloses a detector in communication with the processor, the

detector detects different orientations of the RC device (RC uses IR commands to the

devices in location) and provides feed back to the RC, the microprocessor changes a

mode of operation of the RC device that corresponds to a particular orientation, such

that different orientation of the RC device controls different electronic device (CD player,

TV, VCR, etc.).

Allport teaches illuminating portions of the LCD display of the RC, but silent to a

motion detector to detect motions (including other tilting motion(s)) and respond to the

detected motion.

However, **Feinleib** discloses an RC system, with a tilting switch, which includes a

motion sensor to detect motions and initiate a startup phase of the RC before a user

actually presses a key (abstract, figs. 1-3, col.1, line 64-col.2, line 28, line 40-col.3, line

38 and line 66-col.4, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Feinleib into the system of Allport to

enable the detection of motions and prepare the RC in advance for other operations

before the user presses a key to activate other function of the RC.

Allport does not clearly teach a detector which detects different orientation of the

remote control device and provides feedback to the processor, the processor changing

a mode of operation of the RC device that corresponds to a particular orientation, such

that different orientations of the RC device control different electronic devices.

However, **Feinleib** discloses an RC system, with motion detect which includes a tilting switch, which detect various motions (including movement) and initiate a startup phase of the RC to a particular device, before a user actually presses a key (abstract, figs. 1-3, col.1, line 64-col.2, line 28, line 40-col.3, line 38 and line 66-col.4, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Feinleib into the system of Allport to enable the detection of motions and prepare the RC in advance for other operations before the user presses a key to activate other function of the RC.

Allport as modified by Feinleib teach a remote control that detects movement(s) and a processor which changes the mode of operation to a particular device and controls the device operation, but silent as to where different orientations of the RC device control different electronic devices.

However, **Mullaly** discloses a system for remote communication with an addressable target using a generalized pointing device where a processor detects different orientation of the remote control device and provides feedback to the processor, where the processor changes a mode of operation of the RC device that corresponds to a particular orientation, such that different orientations of the RC device control different electronic devices (figs.1-3, 7-9, 13+, col.4, line 24-col.5, line 1+, col.8, line 8-col.9, line 1+, col.11, line 34-col.12, line 15, line 47-col.13, line 16 and line 38+).

Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Mullaly into the system of Allport to

provide additional features that enables the remote control to change orientation and

remotely detect target devices and control target devices accordingly.